

ARG

~~ALL~~

ASSEMBLY BILL 40

SECTION 1866

1 equal to the private school's operating and debt service cost per pupil that is related
2 to educational programming, as determined by the department, or an amount either
3 of \$7,050, if the pupil is enrolled in a grade from kindergarten to 8, or of \$7,856, if
4 the pupil is enrolled in a grade from 9 to 12.

5 **SECTION 1867.** 119.23 (4) (d) (intro.) of the statutes is amended to read:

6 119.23 (4) (d) (intro.) In determining a private school's operating and debt
7 service cost per pupil under par. (b) 1. (bg) and sub. (4m) (a), the department shall
8 do all of the following:

9 **SECTION 1868.** 119.23 (4r) (a) 1. of the statutes is repealed.

10 **SECTION 1869.** 119.23 (4r) (a) 2. of the statutes is renumbered 119.23 (4r) (a)
11 and amended to read:

12 119.23 (4r) (a) ~~In the 2010-11 school year and in any school year thereafter,~~
13 ~~multiply~~ Multiply the amount determined under sub. (4) (b) ~~or (bg)~~ by 0.616.

14 **SECTION 1870.** 119.23 (4s) of the statutes is created to read:

15 119.23 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a
16 private school participating in the program under this section who is receiving a
17 scholarship under s. 115.7915 shall not be counted as a pupil attending the private
18 school under this section under sub. (4), (4m), or (4r).

19 **SECTION 1871.** 119.23 (5) of the statutes is amended to read:

20 119.23 (5) The state superintendent shall ensure that pupils and parents and
21 guardians of pupils who reside in the city are informed annually of the private
22 schools participating in the program under this section and in the program under s.
23 118.60.

24 **SECTION 1872.** 119.23 (6m) (b) 3. d. of the statutes is amended to read:

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SECTION 1872

✓ 1 119.23 (6m) (b) 3. d. To the extent permitted under 20 USC 1232g and 43 CFR
insert
853-2 → 2 part 99, pupil scores on all standardized tests administered under sub. (7) (e) 1.

3 SECTION 1873. 119.23 (7) (am) 1. of the statutes is amended to read:

4 119.23 (7) (am) 1. An independent financial audit of the private school
5 conducted by an independent certified public accountant, accompanied by the
6 auditor's statement that the report is free of material misstatements and fairly
7 presents pupil costs under sub. (4) (b) 1 (bg). The audit under this subdivision shall
8 be limited in scope to those records that are necessary for the department to make
9 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,
10 including determining sample sizes and evaluating financial viability, in accordance
11 with the auditing standards established by the American Institute of Certified
12 Public Accountants. The department may not require an auditor to comply with
13 standards that exceed the scope of the standards established by the American
14 Institute of Certified Public Accountants. ✓ insert 853-14

insert
853-15 → 15 SECTION 1874. 119.23 (7) (e) 1. of the statutes is renumbered 119.23 (7) (e) and
16 amended to read:

17 119.23 (7) (e) ~~In the 2009-10 school year, each private school participating in~~
18 ~~the program under this section shall administer a nationally normed standardized~~
19 ~~test in reading, mathematics, and science to pupils attending the school under the~~
20 ~~program in the 4th, 8th, and 10th grades. Beginning in the 2010-11 school year and~~
21 ~~annually thereafter, each~~ Each private school participating in the program under
22 this section shall administer the examinations required under s. 118.30 (1s) to pupils
23 attending the school under the program. The private school may administer
24 additional standardized tests to such pupils. ~~Beginning in 2006 and annually~~
25 ~~thereafter until 2011, the private school shall provide the scores of all standardized~~

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SECTION 1874

1 ~~tests and examinations that it administers under this subdivision to the School~~
2 ~~Choice Demonstration Project.~~

3 **SECTION 1875.** 119.23 (7) (e) 2. of the statutes is repealed.

4 **SECTION 1876.** 119.23 (10) (a) 3. of the statutes is amended to read:

5 119.23 (10) (a) 3. Failed to refund to the state any overpayment made under
6 s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) (b) or
7 (bg) or (4m) by the date specified by department rule.

8 **SECTION 1877.** 120.12 (2r) of the statutes is created to read:

9 120.12 (2r) SCHOOL PERFORMANCE INCENTIVE PROGRAM. By September 1, 2014,
10 establish a policy for the distribution of funding awarded to a school located in the
11 district and eligible to receive an award under s. 115.40. The school board may not,
12 in the policy established under this subsection, prescribe the manner in which funds
13 awarded to a school under s. 115.40 are to be used by the school, but may identify and
14 prioritize goals and objectives towards which the funds may be applied.

15 **SECTION 1878.** 121.004 (7) (em) of the statutes is created to read:

16 121.004 (7) (em) A pupil attending public school under s. 118.53 shall be
17 counted as 0.25 pupil for each course the pupil attends at the public school during
18 the school year. *insert 854-18*

19 **SECTION 1879.** 121.02 (1) (a) 2. of the statutes is amended to read:

20 121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional
21 staff of charter schools located in the school district hold a license or permit to teach
22 issued by the department. For purposes of this subdivision, a virtual charter school
23 is located in the school district specified in s. 118.40 (8) (a) and a charter school
24 established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s.

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1 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining
2 “instructional staff” for purposes of this subdivision.

3 **SECTION 1880.** 121.05 (1) (a) 4. of the statutes is created to read:

4 121.05 (1) (a) 4. Pupils residing in the school district but attending a public
5 school in another school district, or a private school, under s. 115.7915.

6 **SECTION 1881.** 121.05 (1) (a) 12m. of the statutes is created to read:

7 121.05 (1) (a) 12m. Pupils attending a public school under s. 118.53.

8 **SECTION 1882.** 121.05 (3m) of the statutes is created to read:

9 121.05 (3m) If pupils enrolled in a school will not be in attendance at the school
10 on any of the dates specified in sub. (1) (a) or (2) because of a regularly scheduled
11 holiday or for a reason approved by the school board, the state superintendent shall
12 permit the membership counting date to occur on the 3rd weekday that follows the
13 next school day on which school is in session.

14 **SECTION 1883.** 121.07 (6) (e) 1. of the statutes is amended to read:

15 121.07 (6) (e) 1. For a school district created by a consolidation under s. 117.08
16 or 117.09, in the school year in which the consolidation takes effect and in each of the
17 subsequent 4 school years, the amounts under pars. (b) and (d) shall be multiplied
18 by 1.15 and rounded to the next lowest dollar. In the 5th school year following the
19 school year in which the consolidation took effect, the amounts under pars. (b) and
20 (d) shall be multiplied by 1.10 and rounded to the next lower dollar. In the 6th school
21 year following the school year in which the consolidation took effect, the amounts
22 under pars. (b) and (d) shall be multiplied by 1.05 and rounded to the next lower
23 dollar.

24 **SECTION 1884.** 121.07 (7) (e) 1. of the statutes is amended to read:

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SECTION 1884

1 121.07 (7) (e) 1. For a school district created by a consolidation under s. 117.08
2 or 117.09, in the school year in which the consolidation takes effect and in each of the
3 subsequent 4 school years, the amounts under pars. (a) to (bm) shall be multiplied
4 by 1.15 and rounded to the next lower dollar. In the 5th school year following the
5 school year in which the consolidation took effect, the amounts under pars. (a) to (bm)
6 shall be multiplied by 1.10 and rounded to the next lower dollar. In the 6th school
7 year following the school year in which the consolidation took effect, the amounts
8 under pars. (a) to (bm) shall be multiplied by 1.05 and rounded to the next lower
9 dollar.

10 **SECTION 1885.** 121.08 (4) (am) of the statutes is created to read:

11 121.08 (4) (am) The amount of state aid that a school district is eligible to be
12 paid from the appropriation under s. 20.255 (2) (ac) in any school year shall be
13 reduced by the total amount of scholarships paid by the department under s.
14 115.7915 in that school year for pupils who reside in the school district. The
15 department shall ensure that the amount of the aid reduction under this paragraph
16 does not affect the amount determined to be received by a school district as state aid
17 under this section for any other purpose.

18 **SECTION 1886.** 121.08 (4) (br) of the statutes is amended to read:

19 121.08 (4) (br) The amount of state aid that an eligible school district is eligible
20 to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the
21 amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in
22 the first school year that begins after a school district is identified as an eligible
23 school district under s. 118.60 (1m) (b) 1. and qualifies as an eligible school district
24 under s. 118.60 (2) (bg) or 2011 Wisconsin Act 32, section 9137 (3u), and in each school
25 year thereafter by 38.4 percent.

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SECTION 1887

insert
857-1
1 SECTION 1887. 121.08 (4) (d) of the statutes is amended to read:

2 121.08 (4) (d) The state superintendent shall ensure that the total amount of
3 aid reduction under pars. (a), (b), and (br) this subsection lapses to the general fund.

4 SECTION 1888. 121.105 (3) of the statutes is amended to read:

5 121.105 (3) In the school year in which a school district consolidation takes
6 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the
7 consolidated school district's state aid shall be an amount that is not less than the
8 aggregate state aid to which the consolidating school districts were eligible in the
9 school year prior to the school year in which the consolidation takes effect. In the 5th
10 school year following the school year in which the consolidation took effect, the

insert
857-11
11 consolidated school district's state aid shall be an amount that is not less than 66
12 percent of the aggregate state aid to which the consolidating school districts were
13 eligible in the school year prior to the school year in which the consolidation took

14 effect. In the 6th school year following the school year in which the consolidation took

15 effect, the consolidated school district's state aid shall be an amount that is not less
insert
857-18
16 than 33 percent of the aggregate state aid to which the consolidating school districts
17 were eligible in the school year prior to the school year in which the consolidation

18 took effect. The additional state aid shall be paid from the appropriation under s.
19 20.255 (2) (ac).

20 SECTION 1889. 121.54 (2) (c) of the statutes is amended to read:

21 121.54 (2) (c) An annual or special meeting of a common or union high school
22 district, or the school board of a unified school district, may elect to provide
23 transportation for pupils who are not required to be transported under this section,
24 including pupils attending public school under s. 118.145 (4) or 118.53.
25 Transportation may be provided for all or some of the pupils who reside in the school

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SECTION 1889

1 district to and from the public school they are entitled to attend or the private school,
2 within or outside the school district, within whose attendance area they reside. If
3 transportation is provided for less than all such pupils there shall be reasonable
4 uniformity in the minimum distance that pupils attending public and private schools
5 will be transported. Except for elementary school districts electing to furnish
6 transportation under par. (b) 2., this paragraph does not permit a school district
7 operating only elementary grades to provide transportation for pupils attending
8 private schools.

9 **SECTION 1890.** 121.54 (3) of the statutes is amended to read:

10 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. ~~Every~~ Except as
11 provided in s. 115.7915 (5), every school board shall provide transportation for
12 children with disabilities, as defined in s. 115.76 (5), to any public or private
13 elementary or high school, to the school operated by the Wisconsin Center for the
14 Blind and Visually Impaired or the school operated by the Wisconsin Educational
15 Services Program for the Deaf and Hard of Hearing or to any special education
16 program for children with disabilities sponsored by a state tax-supported institution
17 of higher education, including a technical college, regardless of distance, if the
18 request for such transportation is approved by the state superintendent. Approval
19 shall be based on whether or not the child can walk to school with safety and comfort.
20 Section 121.53 shall apply to transportation provided under this subsection.

21 **SECTION 1891.** 121.58 (2) (a) 4. of the statutes is amended to read:

22 121.58 (2) (a) 4. For each pupil so transported whose residence is more than
23 12 miles from the school attended, ~~\$180 per school year in the 2006-07 school year~~
24 and \$220 per school year in the 2012-13 school year and \$275 per school year
25 thereafter.

insert
858-25 →

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SECTION 1892

1 **SECTION 1892.** 121.83 (1) (a) 2. of the statutes is amended to read:

2 121.83 (1) (a) 2. If the agency of service counts the pupil under s. 121.05 (1) (a)
3 or (2), or on an alternate counting date under s. 121.05 (3) or (3m), state general aid
4 shall be subtracted.

5 **SECTION 1893.** 121.90 (1) (intro.) of the statutes is amended to read:

6 121.90 (1) (intro.) “Number of pupils enrolled” means the number of pupils
7 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
8 (a) 1. to 11. and 13. and pupils enrolled and counted on an alternate counting date
9 under s. 121.05 (3) or (3m), and the number of pupils attending the Challenge
10 Academy program under s. 321.03 (1) (c) in the previous spring session, except that
11 “number of pupils enrolled” excludes the number of pupils attending public school
12 under ~~s. ss.~~ 118.145 (4) and 118.53 and except as follows:

13 **SECTION 1894.** 125.06 (11) of the statutes is amended to read:

14 125.06 (11) AUCTION SALES. The sale by an auction house at public auction of
15 a collection of sealed bottles of intoxicating liquor or unopened beer cans for the
16 purpose of settling an estate or disposing of the collection or the auction sale of sealed
17 bottles or containers of wine or of unopened bottles of intoxicating liquor or
18 fermented malt beverages by a charitable organization, as defined in s. ~~440.41~~ 202.11
19 (1), at an auction held to raise money for the charitable organization.

20 **SECTION 1895.** 134.73 (1) (a) of the statutes is amended to read:

21 134.73 (1) (a) “Contribution” has the meaning given in s. ~~440.41~~ 202.11 (5).

22 **SECTION 1896.** 134.73 (1) (c) of the statutes is amended to read:

23 134.73 (1) (c) “Solicit” has the meaning given in s. ~~440.41~~ 202.11 (8).

24 **SECTION 1897.** 139.30 (7) of the statutes is amended to read:

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SECTION 1897

1 139.30 (7) "Manufacturer" means any person who manufactures cigarettes for
2 the purpose of sale, including the authorized agent of a person who manufactures
3 cigarettes for the purpose of sale. "Manufacturer" includes a person who owns an
4 automated roll-your-own machine that is used to make cigarettes, but does not
5 include an individual who owns a roll-your-own machine and uses the machine in
6 his or her home solely to make cigarettes for his or her personal use or for the use of
7 other individuals who live in his or her home.

8 SECTION 1898. 146.45 of the statutes is repealed.

9 SECTION 1899. 146.63 of the statutes is created to read:

10 **146.63 Grants to establish graduate medical training programs. (1)**

11 **DEFINITION.** In this section, "hospital" has the meaning given under s. 50.33 (2). *insert 560-11*

12 **(2) DEPARTMENTAL DUTIES.** (a) Subject to subs. (4) and (5), the department shall
13 distribute grants from the appropriation under s. 20.435 (1) (f) to assist *rural* hospitals
14 and groups of *rural* hospitals in procuring infrastructure and increasing case volume to the
15 extent necessary to develop accredited graduate medical training programs. The
16 department shall distribute the grants under this paragraph to *rural* hospitals and groups
17 of *rural* hospitals that apply to receive a grant under sub. (3) and that satisfy the criteria
18 established by the department under par. (b). *insert 860-18*

19 (b) The department shall establish criteria for approving and distributing
20 grants under par. (a) and criteria for approving plans under sub. (3).

21 **(3) GRANT APPLICATION.** A *rural* hospital or group of *rural* hospitals may apply, in the form
22 and manner determined by the department, to receive a grant under sub. (2) (a). The
23 *rural* hospital or group of *rural* hospitals shall include in the application a plan to use the funds
24 to procure infrastructure or increase case volume to the extent necessary to develop

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SECTION 1899

1 an accredited graduate medical training program at the ^{rural} hospital or group of
2 hospitals and a plan to satisfy the matching requirement under sub. (4).

3 (4) MATCHING FUNDS. The department may not distribute a grant under sub.

4 (2) (a) unless the ^{rural} hospital or group of hospitals offers to provide matching funds in
5 an amount determined by the department.

6 (5) TERM OF GRANTS. The department may not distribute a grant under sub. (2)

7 (a) to a ^{rural} hospital or group of hospitals for a term that is more than 3 years.

8 **SECTION 1900.** 146.64 of the statutes is created to read:

9 **146.64 Grants to support graduate medical training programs. (1)**

10 DEFINITION. In this section, "hospital" has the meaning given under s. 50.33 (2).

11 (2) DEPARTMENTAL DUTIES. (a) Subject to par. (c) and sub. (4), the department
12 shall distribute grants to ^{to fund the addition of positions to existing} ~~assist~~ hospitals ~~with maintaining~~ accredited graduate
13 medical training programs. The department shall distribute the grants under this
14 paragraph to hospitals that apply to receive a grant under sub. (3) and that satisfy
15 the criteria established by the department under par. (b) and the eligibility
16 requirement under sub. (4).

17 (b) The department shall establish criteria for approving and distributing
18 grants under par. (a).

19 (c) 1. The department shall distribute funds for grants under par. (a) from the
20 appropriation under s. 20.435 (4) (b). The department may not distribute more than
21 ²²⁵ \$50,000 from the appropriation under s. 20.435 (4) (b) to a particular hospital in a
22 given state fiscal year. ^{insert 861-22}

23 2. If the department receives matching federal medical assistance funds, the
24 department shall distribute those funds for grants under par. (a) in addition to any
25 funds distributed under subd. 1.

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SECTION 1900

1 (d) The department shall seek federal medical assistance funds to match the
2 grants distributed under par. (a). If the department receives those funds, the
3 department shall distribute them as provided in par. (c) 2.

4 (3) GRANT APPLICATION. A hospital may apply, in the form and manner
5 determined by the department, to receive a grant under sub. (2) (a).

6 (4) ELIGIBILITY. A hospital that has an accredited graduate medical training
7 program in any of the following specialties may apply to receive a grant under sub.

8 (3):

9 (a) Family medicine.

10 (b) Pediatrics.

11 (c) Psychiatry.

12 (d) General surgery.

13 (e) Internal medicine.

14 **SECTION 1901.** 153.05 (2r) (intro.) of the statutes is amended to read:

15 153.05 (2r) (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the
16 appropriation account under s. 20.515 (1) (ut) the department of employee trust
17 funds may expend up to \$150,000, and from the appropriation accounts under s.
18 20.435 (1) (fn), (hg), and (hi) the department of health services, in its capacity as a
19 public health authority, may expend moneys, to contract with a data organization to
20 perform services under this subchapter that are specified for the data organization
21 under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health services
22 to perform or contract for the performance of these services. As a condition of the
23 contract under this subsection, all of the following apply:

24 **SECTION 1902.** 153.05 (2r) (d) to (h) of the statutes are created to read:

ASSEMBLY BILL 40**SECTION 1902**

1 153.05 (2r) (d) The data organization shall provide an Internet site that offers
2 health care provider cost and quality data and reports to consumers in a manner that
3 is comprehensive and transparent and that uses language that is understandable to
4 laypersons.

5 (e) The data organization shall conduct statewide consumer information
6 campaigns to improve health literacy.

7 (f) The data organization shall provide a review and reconsideration software
8 solution to allow health care providers to validate their cost and quality data prior
9 to publication on the Internet site described in par. (d).

10 (g) The data organization shall conduct other functions in support of the
11 responsibilities under sub. (1) (c) as specified in the contract by the department of
12 health services and the department of employee trust funds.

13 (h) The data organization shall fulfill the requirements under this subsection
14 according to timelines established by the department of health services and the
15 department of employee trust funds.

16 **SECTION 1903.** 157.055 (2) (intro.) of the statutes is amended to read:

17 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),
18 (3m), and (4), 979.02, and 979.10, and subch. VII VIII of ch. 440, during a period of
19 a state of emergency related to public health declared by the governor under s.
20 323.10, a public health authority may do all of the following:

21 **SECTION 1904.** 165.055 (3) of the statutes is created to read:

22 165.055 (3) The attorney general may appoint, in the unclassified service, a
23 solicitor general and no more than 3 deputy solicitors general, each of whom shall be
24 an attorney at law licensed to practice in this state. The attorney general may assign
25 assistant attorneys general to assist the solicitor general.

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SECTION 1905

1 **SECTION 1905.** 165.75 (2) of the statutes is amended to read:

2 165.75 (2) ~~The laboratories shall be located in the cities of Madison, Milwaukee~~
3 ~~and Wausau. The personnel of the laboratories shall consist of such employees as are~~
4 ~~authorized under s. 20.922. The laboratory in the city of Milwaukee is named the~~
5 ~~William J. McCauley crime laboratory.~~

6 **SECTION 1906.** 165.76 (1) (am) of the statutes is created to read:

7 165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed
8 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20
9 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b).

10 **SECTION 1907.** 165.76 (1) (as) of the statutes is created to read:

11 165.76 (1) (as) Is or was found guilty of any misdemeanor on or after the
12 effective date of this paragraph [LRB inserts date].

13 **SECTION 1908.** 165.76 (1) (av) of the statutes is renumbered 165.76 (1) (av)
14 (intro.) and amended to read:

15 165.76 (1) (av) (intro.) Is or was found guilty on or after January 1, 2000, of any
16 of the following:

- 17 1. Any felony or any
18 2. Before the effective date of this subdivision [LRB inserts date], any
19 violation of s. 165.765 (1), 2011 stats., 940.225 (3m), 944.20, or 948.10 (1) (b).

20 **SECTION 1909.** 165.76 (1) (aw) of the statutes is created to read:

21 165.76 (1) (aw) Is or was found guilty on or after January 1, 2000, and before
22 the effective date of this paragraph [LRB inserts date], of any violation of s.
23 940.225 (3m), 944.20, or 948.10.

24 **SECTION 1910.** 165.76 (1) (b) of the statutes is renumbered 165.76 (1) (bm).

25 **SECTION 1911.** 165.76 (1) (bg) of the statutes is created to read:

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1 165.76 (1) (bg) Is or was sentenced or placed on probation on or after August
2 12, 1993, for a violation of s. 940.225, 948.02 (1) or (2), or 948.025.

3 **SECTION 1912.** 165.76 (1) (br) of the statutes is amended to read:

4 165.76 (1) (br) Has been found not guilty or not responsible by reason of mental
5 disease or defect on or after January 1, 2000, and committed under s. 51.20 or 971.17,
6 for any felony or a violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 944.20,
7 946.52, or 948.10 (1) (b).

8 **SECTION 1913.** 165.76 (1) (cr) of the statutes is amended to read:

9 165.76 (1) (cr) Is or was in institutional care on or after January 1, 2000, for
10 a felony or any violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 944.20,
11 946.52, or 948.10 (1) (b).

12 **SECTION 1914.** 165.76 (1) (g) of the statutes is amended to read:

13 165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 165.84 (7),
14 938.21 (1m), 938.30 (2m), 938.34 (15m) (15), 970.02 (8), 971.17 (1m) (a), 973.047, or
15 980.063 to provide a biological specimen to the state crime laboratories for
16 deoxyribonucleic acid analysis.

17 **SECTION 1915.** 165.76 (1m) of the statutes is amended to read:

18 165.76 (1m) If a person is required to provide a biological specimen under sub.
19 (1) (a) to ~~kg~~ ^{strike} ~~(gm)~~ and the department of justice does not have the data obtained from
20 analysis of a biological specimen from the person that the department is required to
21 maintain in the data bank under s. 165.77 (3), the department may require the
22 person to provide a biological specimen, regardless of whether the person previously
23 provided a biological specimen under this section or s. 51.20 (13) (cr), 165.84 (7),
24 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or
25 980.063. The department of justice, the department of corrections, a district

ASSEMBLY BILL 40**SECTION 1915**

1 attorney, or a county sheriff, shall notify any person whom the department of justice
2 requires to provide a biological specimen under this subsection.

3 **SECTION 1916.** 165.76 (2m) of the statutes is repealed.

4 **SECTION 1917.** 165.76 (2r) of the statutes is amended to read:

5 165.76 (2r) Failure by a person who is required to provide a biological specimen
6 under sub. (1) to provide the biological specimen ~~at the time and place provided under~~
7 ~~sub. (2m)~~ in accordance with the rules promulgated under sub. (4) does not relieve
8 the person of the obligation to provide a biological specimen to the state crime
9 laboratories for deoxyribonucleic acid analysis.

10 **SECTION 1918.** 165.76 (3) of the statutes is repealed.

11 **SECTION 1919.** 165.76 (4) of the statutes is renumbered 165.76 (4) (intro.) and
12 amended to read:

13 165.76 (4) (intro.) The department of justice ~~may~~ shall promulgate rules to
14 ~~implement~~ do all of the following:

15 (e) Carry out the department's duties under this section.

16 **SECTION 1920.** 165.76 (4) (a), (b), (c) and (d) of the statutes are created to read:

17 165.76 (4) (a) Establish procedures and time limits for obtaining and
18 submitting biological specimens under this section and ss. 51.20 (13) (cr), 165.84 (7),
19 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, and
20 980.063.

21 (b) Specify whether an individual who is required under this section or s. 51.20
22 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a),
23 973.047, or 980.063 to provide a biological specimen for deoxyribonucleic acid
24 analysis must provide a new biological specimen if the crime laboratories already
25 have a biological specimen from the individual or if data obtained from

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1 deoxyribonucleic acid analysis of the individual's biological specimen are already
2 included in the data bank under s. 165.77 (3).

3 (c) Allow a biological specimen, or data obtained from analysis of a biological
4 specimen, obtained under this section or s. 51.20 (13) (cr), 165.84 (7), 938.21 (1m),
5 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or 980.063 to be
6 submitted for inclusion in an index established under 42 USC 14132 (a) or in another
7 national index system.

8 (d) Provide reimbursement from s. 20.455 (2) (Lm) to a person in charge of a
9 law enforcement agency or tribal law enforcement agency at a rate of \$10 per
10 specimen except that, if the department already has a biological specimen, or data
11 obtained from analysis of a biological specimen, from the individual, the department
12 may not reimburse the person in charge of the agency.

13 **SECTION 1921.** 165.765 (title) of the statutes is amended to read:

14 **165.765 (title) Biological specimen; penalty force and immunity.**

15 **SECTION 1922.** 165.765 (1) of the statutes is renumbered 946.52 and amended
16 to read:

17 **946.52 Failure to submit biological specimen.** Whoever intentionally fails
18 to comply with a requirement to submit a biological specimen under s. 165.76, 165.84
19 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 973.047, or 980.063 may be
20 fined not more than \$10,000 or imprisoned for not more than 9 months or both is
21 guilty of a Class A misdemeanor.

22 **SECTION 1923.** 165.765 (1g) and (1m) of the statutes are created to read:

23 **165.765 (1g)** In this section:

24 (a) "Correctional officer" has the meaning given in s. 301.28 (1).

25 (b) "Jail officer" has the meaning given in s. 165.85 (2) (bn).

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(c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(d) “Tribal officer” has the meaning given in s. 165.85 (2) (g).

(1m) A law enforcement officer; a jail officer; a tribal officer; a correctional officer; a probation, extended supervision, or parole officer; or an employee of the department of health services may use reasonable force to obtain a biological specimen from a person who intentionally refuses to provide a biological specimen that is required under s. 165.76 (1), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), or 970.02 (8).

SECTION 1924. 165.765 (2) (a) of the statutes is renumbered 165.765 (2) (a) 1. and amended to read:

165.765 (2) (a) 1. Any physician, registered nurse, medical technologist, physician assistant, or person acting under the direction of a physician who obtains a biological specimen under s. 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or 980.063 is immune from any civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

SECTION 1925. 165.765 (2) (b) of the statutes is renumbered 165.765 (2) (a) 2. and amended to read:

165.765 (2) (a) 2. Any employer of the physician, nurse, technologist, assistant, or person under ~~par. (a)~~ subd. 1. or any hospital where blood is withdrawn by that physician, nurse, technologist, assistant, or person ~~has the same immunity from liability under par. (a)~~ is immune from any civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

SECTION 1926. 165.765 (2) (bm) of the statutes is created to read:

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1 165.765 (2) (bm) A law enforcement officer; a jail officer; a tribal officer; a
2 correctional officer; a probation, extended supervision, or parole officer; or an
3 employee of the department of health services, who is authorized to collect biological
4 specimens, is immune from civil or criminal liability for collecting a biological
5 specimen if the collection is in compliance with sub. (1m) and s. 165.76 and performed
6 in good faith and in a reasonable manner.

7 ~~**SECTION 1927.** 165.77 (1) (am) of the statutes is created to read:~~

8 ~~165.77 (1) (am) “Juvenile offense requiring the submission of a specimen”~~
9 ~~means an offense for which the juvenile is required under s. 938.34 (15) (a) to provide~~
10 ~~a biological specimen to the state crime laboratories for deoxyribonucleic acid~~
11 ~~analysis.~~

12 **SECTION 1928.** 165.77 (2) (a) 2. of the statutes is amended to read:

13 165.77 (2) (a) 2. The laboratories may compare the data obtained from the
14 specimen with data obtained from other specimens. The laboratories may make data
15 obtained from any analysis and comparison available to law enforcement agencies
16 in connection with criminal or delinquency investigations and, upon request, to any
17 prosecutor, defense attorney, or subject of the data. The data may be used in criminal
18 and delinquency actions and proceedings. The laboratories shall not include data
19 obtained from deoxyribonucleic acid analysis of those specimens received under this
20 paragraph in the data bank under sub. (3). ~~The laboratories shall destroy specimens~~
21 ~~obtained under this paragraph after analysis has been completed and the applicable~~
22 ~~court proceedings have concluded.~~

23 **SECTION 1929.** 165.77 (2) (b) of the statutes is amended to read:

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SECTION 1929

1 165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 51.20
2 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17
3 (1m) (a), 973.047, or 980.063.

4 **SECTION 1930.** 165.77 (2m) (c) of the statutes is amended to read:

5 165.77 (2m) (c) Paragraph (b) does not apply to specimens received under s.
6 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8),
7 971.17 (1m) (a), 973.047, or 980.063.

8 **SECTION 1931.** 165.77 (3) of the statutes is amended to read:

9 165.77 (3) If the laboratories receive a human biological specimen under s.
10 51.20 (13) (cr), 165.76, 165.84 (7), ^(am)938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8),
11 971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the
12 deoxyribonucleic acid in the specimen. The laboratories shall maintain a data bank
13 based on data obtained from deoxyribonucleic acid analysis of those specimens. The
14 laboratories may compare the data obtained from one specimen with the data
15 obtained from other specimens. The laboratories may make data obtained from any
16 analysis and comparison available to law enforcement agencies in connection with
17 criminal or delinquency investigations and, upon request, to any prosecutor, defense
18 attorney or subject of the data. The data may be used in criminal and delinquency
19 actions and proceedings. ~~The laboratories shall destroy specimens obtained under~~
20 ~~this subsection after analysis has been completed and the applicable court~~
21 ~~proceedings have concluded.~~

22 **SECTION 1932.** 165.77 (4) (intro.) of the statutes is renumbered 165.77 (4) (am)
23 (intro.) and amended to read:

24 165.77 (4) (am) (intro.) A person whose deoxyribonucleic acid analysis data has
25 have been included in the data bank under sub. (3) may request expungement on the

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SECTION 1932

1 grounds that ~~his or her conviction or adjudication has been reversed, set aside or~~
2 ~~vacated.~~ The all of the following conditions are satisfied:

3 (bm) If the department determines that the conditions under par. (am) are
4 satisfied, the laboratories shall purge all records and identifiable information in the
5 data bank pertaining to the person and destroy all samples from the person if it
6 receives all of the following: upon receiving the person's written request for
7 expungement and any documentation the department requires under rules
8 promulgated under sub. (8).

9 **SECTION 1933.** 165.77 (4) (a) and (b) of the statutes are repealed.

10 **SECTION 1934.** 165.77 (4) (am) 1., 2. and 3. of the statutes are created to read:

11 165.77 (4) (am) 1. If the person was required to submit a biological specimen
12 under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or 980.063, all
13 convictions ^{findings} or adjudications for which the person was required to submit a biological
14 specimen under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or
15 980.063 have been reversed, set aside, or vacated.

16 2. If the person was required to provide a biological specimen under s. 165.84
17 (7) in connection with an arrest or under s. 970.02 (8), one of the following applies:

18 a. All charges filed in connection with the arrest and all charges for which the
19 person was required to provide a biological specimen under s. 970.02 (8) have been
20 dismissed.

21 b. The trial court reached final disposition for all charges in connection with
22 the arrest and for any charges for which the person was required to provide a
23 biological specimen under s. 970.02 (8), and the person was not adjudged guilty of a
24 crime in connection with the arrest or any charge for which the person was required
25 to provide a biological specimen under s. 970.02 (8).

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SECTION 1934

1 c. At least one year has passed since the arrest and the person has not been
2 charged with a crime in connection with the arrest.

3 d. The person was adjudged guilty of a crime in connection with either the
4 arrest or any charge for which the person was required to provide a biological
5 specimen under s. 970.02 (8), and all such convictions have been reversed, set aside,
6 or vacated.

7 3. If the person was required to provide a biological specimen under s. 165.84
8 (7) in connection with being taken into custody under s. 938.19 or under s. 938.21
9 (1m) or 938.30 (2m), one of the following applies:

10 a. All criminal complaints or delinquency petitions alleging that the person
11 committed a violation of a juvenile offense requiring the submission of a specimen,
12 in connection with the taking into custody have been dismissed.

13 b. The trial court reached final disposition for all allegations that the person
14 committed a violation of a juvenile offense requiring the submission of a specimen
15 in connection with the taking into custody and the person was not convicted or
16 adjudged delinquent for a juvenile offense requiring the submission of a specimen
17 in connection with the taking into custody.

18 c. At least one year has passed since the person was taken into custody and no
19 criminal complaint or delinquency petition alleging that the person committed a
20 violation of a juvenile offense requiring the submission of a specimen has been filed
21 against the person in connection with the taking into custody.

22 d. The person was convicted or adjudged delinquent for a juvenile offense
23 requiring the submission of a specimen in connection with the taking into custody
24 and the conviction or delinquency adjudication has been reversed, set aside, or
25 vacated.

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SECTION 1935

1 **SECTION 1935.** 165.77 (7m) of the statutes is created to read:

2 165.77 (7m) An entry in the data bank that is found to be erroneous does not
3 prohibit the legitimate use of the entry to further a criminal investigation or
4 prosecution. The failure of a law enforcement agency or the laboratories to comply
5 with s. 165.76, 165.765, 165.77, or 165.84, or any rules or procedures adopted to
6 administer those sections, is not grounds for challenging the validity of the data
7 collection, for challenging the use of the sample as provided in those sections, or for
8 the suppression of evidence based upon or derived from any entry in the data bank.

9 **SECTION 1936.** 165.825 of the statutes is amended to read:

10 **165.825 Information link; ~~department of health services.~~** The
11 department of justice shall cooperate with the departments of safety and
12 professional services ~~and~~, health services, and financial institutions in developing
13 and maintaining a computer linkup to provide access to the information obtained
14 from a criminal history search.

15 **SECTION 1937.** 165.84 (7) of the statutes is created to read:

16 165.84 (7) (a) Subject to rules promulgated under s. 165.76 (4), all persons in
17 charge of law enforcement and tribal law enforcement agencies shall obtain, when
18 the individual's fingerprints or other identifying data are obtained, a biological
19 specimen for deoxyribonucleic acid analysis from each individual arrested for a

20 felony or for an offense under s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31,
21 944.33 (1), 946.52, or 948.10 (1) (b) and each minor taken into custody for a juvenile
22 offense requiring the submission of a specimen, as defined under s. 165.77 (1) (am).

23 The person in charge of the law enforcement or tribal law enforcement agency shall
24 submit the specimen to the crime laboratories for deoxyribonucleic acid analysis and

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SECTION 1937

1 inclusion of the individual's deoxyribonucleic acid profile in the data bank under s.

2 165.77 (3) *insert 874-2*, if par. (am) requires,

3 (b) Biological samples required under par. (a) shall be obtained and submitted
4 as specified in rules promulgated by the department of justice under s. 165.76 (4).

5 *2. (c)* Biological specimens obtained under this section may be used only as
6 provided under s. 165.77.

7 **SECTION 1938.** 165.845 (title) of the statutes is created to read:

8 **165.845 (title) Collect crime data.**

9 **SECTION 1939.** 165.845 (1) (intro.) of the statutes is created to read:

10 165.845 (1) (intro.) The department of justice shall:

11 **SECTION 1940.** 165.89 (4) of the statutes is repealed.

12 **SECTION 1941.** 165.91 (4) of the statutes is repealed.

13 **SECTION 1942.** 165.93 (2) (a) of the statutes is amended to read:

14 165.93 (2) (a) ~~Beginning on January 1, 1995, the~~ The department shall provide
15 grants to eligible organizations from the ~~appropriation~~ appropriations under s.
16 20.455 (5) ~~(ge)~~ (e) and (g) to provide services for sexual assault victims.

17 **SECTION 1943.** 165.94 of the statutes is created to read:

18 **165.94 Grants for global positioning system tracking.** (1) From the
19 appropriation under s. 20.455 (5) (br), the department of justice may provide grants
20 to any eligible local unit of government, law enforcement agency, or tribal law
21 enforcement agency whose plan for expending the grant moneys to fund a global
22 positioning system tracking program for persons who are subject to an order under
23 s. 813.129 is approved.

24 (2) The department of justice shall develop criteria which, notwithstanding s.
25 227.10 (1), need not be promulgated as rules under ch. 227, as guidelines to be

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SECTION 1943

1 followed by a local unit of government, law enforcement agency, or tribal law
2 enforcement agency that wishes to establish a program for global positioning system
3 tracking pursuant to s. 813.129 (6) for persons subject to an order under s. 813.129
4 (1) (a) and for use in awarding grants under this section.

5 **SECTION 1944.** 165.95 (title) of the statutes is created to read:

6 **165.95 (title) Alternatives to incarceration; grant program.**

7 **SECTION 1945.** 165.984 of the statutes is repealed.

8 **SECTION 1946.** 165.986 (title) of the statutes is created to read:

9 **165.986 (title) Beat patrol officers; grant program.**

10 **SECTION 1947.** 165.987 (title) of the statutes is created to read:

11 **165.987 (title) Youth diversion programs; grant program.**

12 **SECTION 1948.** 167.35 (1) (f) 4. of the statutes is created to read:

13 167.35 (1) (f) 4. Any person who owns an automated roll-your-own machine
14 that is used to make cigarettes, not including an individual who owns a
15 roll-your-own machine and uses the machine in his or her home solely to make
16 cigarettes for his or her personal use or for the use of other individuals who live in
17 his or her home.

18 **SECTION 1949.** Chapter 168 (title) of the statutes is repealed and recreated to
19 read:

20 **CHAPTER 168**

21 **PETROLEUM PRODUCTS**

22 **AND DANGEROUS SUBSTANCES**

23 **SECTION 1950.** Subchapter I (title) of chapter 168 [precedes 168.01] of the
24 statutes is created to read:

25 **CHAPTER 168**

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SECTION 1950

SUBCHAPTER I

PETROLEUM PRODUCT INSPECTIONS

SECTION 1951. 168.01 (intro.) of the statutes is amended to read:

168.01 Definitions. (intro.) In this ~~chapter~~ subchapter:

SECTION 1952. 168.01 (1) of the statutes is amended to read:

168.01 (1) “Department” means the department of ~~safety and professional services~~ agriculture, trade and consumer protection.

SECTION 1953. 168.01 (2) of the statutes is renumbered 168.01 (4).

SECTION 1954. 168.02 (title) of the statutes is repealed.

SECTION 1955. 168.02 of the statutes is renumbered 168.01 (2).

SECTION 1956. 168.03 (title) of the statutes is repealed.

SECTION 1957. 168.03 of the statutes is renumbered 168.01 (3).

SECTION 1958. 168.05 (1) of the statutes is amended to read:

168.05 (1) No petroleum product imported into and received in this state or received from a manufacturer or refiner or from a marine or pipeline terminal within this state may be unloaded from its original container except as provided under sub. (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken as provided in this ~~chapter~~ subchapter. This subsection does not apply if the department has previously inspected the petroleum product at the refinery, marine or pipeline terminal. Each person importing or receiving a petroleum product which has not been previously inspected shall notify the inspector in the person’s district of the receipt thereof, and the inspector shall take a sample of the petroleum product.

SECTION 1959. 168.06 (1) of the statutes is amended to read:

168.06 (1) For the purposes of administering this ~~chapter~~ subchapter, inspectors may take samples of gasoline, gasoline-alcohol fuel blends, kerosene,

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SECTION 1959

1 other refined oils, fuel oils and petroleum distillates for tests and make inspections
2 at any points within or without this state, and may open any original container
3 containing gasoline, gasoline–alcohol fuel blends, kerosene, other refined oils, fuel
4 oils and petroleum distillates and take a true sample of not less than 8 ounces of the
5 contents thereof, even though the original containers may still be in the possession
6 of a common or contract carrier, provided the opening and sampling does not unduly
7 inconvenience or hamper the transportation of the products. After the original
8 containers are opened and sampled the same shall be resealed with seals furnished
9 by the department for such purposes. The authority conferred by this section shall
10 be in addition to, and not in limitation of, any of the provisions of s. 168.05.

11 **SECTION 1960.** 168.08 (1) of the statutes is amended to read:

12 168.08 (1) Time and place of each inspection.

13 **SECTION 1961.** 168.09 of the statutes is amended to read:

14 **168.09 Authority to enter.** Any inspector may enter in or upon the premises
15 of any manufacturer, vendor, dealer or user of gasoline, gasoline–alcohol fuel blends,
16 kerosene, other refined oils, fuel oils and petroleum distillates, during regular
17 business hours to determine whether any petroleum product intended for sale or use
18 has not been sampled and inspected in accordance with this ~~chapter~~ subchapter.

19 **SECTION 1962.** 168.125 of the statutes is amended to read:

20 **168.125 Reports; payment.** Persons who are liable for the fee under this
21 ~~chapter~~ subchapter shall state the number of gallons of petroleum products on which
22 the fee is due and the amount of their liability for the fee in the reports under s. 78.12
23 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12
24 (5) apply to the fee under this ~~chapter~~ subchapter.

25 **SECTION 1963.** 168.15 of the statutes is amended to read:

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SECTION 1963

168.15 Penalty. Every person who violates any provision of this ~~chapter~~ subchapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than \$10 nor more than \$100 for each violation. Each day a person fails to comply with any provision of this ~~chapter~~ subchapter is a separate violation.

SECTION 1964. 168.16 (1) of the statutes is amended to read:

168.16 (1) The department shall enforce this chapter ~~chapter~~ subchapter. Inspection districts shall be defined and numbered by the department.

SECTION 1965. 168.16 (2) of the statutes is amended to read:

168.16 (2) Any accident or explosion involving products of petroleum which comes to the knowledge of the department shall be investigated to determine whether or not there has been a violation of this ~~chapter~~ subchapter.

SECTION 1966. 168.16 (4) of the statutes is amended to read:

168.16 (4) The department may promulgate reasonable rules relating to the administration and enforcement of this chapter ~~chapter~~ subchapter.

SECTION 1967. 168.17 of the statutes is amended to read:

168.17 Attorney general and district attorney to prosecute. Upon request of the department, the attorney general or proper district attorney shall prosecute any action to enforce this ~~chapter~~ subchapter except the fee that is imposed under s. 168.12 (1).

SECTION 1968. 168.18 of the statutes is repealed.

SECTION 1969. Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes is created to read:

CHAPTER 168

SUBCHAPTER II

STORAGE OF DANGEROUS SUBSTANCES

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SECTION 1970

1 **SECTION 1970.** 168.21 (2) of the statutes is created to read:

2 168.21 (2) "Department" means the department of agriculture, trade and
3 consumer protection.

4 **SECTION 1971.** 175.49 (5m) of the statutes is amended to read:

5 175.49 (5m) FEES. The department may charge a fee to verify eligibility for a
6 certification card under this section, for the issuance of a certification card under sub.
7 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed
8 the costs the department incurs in verifying eligibility or for issuing or renewing a
9 certification card. Payments made to the department under this subsection shall be
10 credited to the appropriation account under s. 20.455 (2) ~~(gu)~~ (gr).

11 **SECTION 1972.** 180.1421 (2m) (b) of the statutes is amended to read:

12 180.1421 (2m) (b) If the notice under par. (a) is returned to the department as
13 undeliverable or if the corporation's principal office cannot be determined from the
14 records of the department, the department shall give the notice by ~~publishing a class~~
15 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the
16 department's Internet site.

17 **SECTION 1973.** 180.1531 (2m) (b) of the statutes is amended to read:

18 180.1531 (2m) (b) If the notice under par. (a) is returned to the department as
19 undeliverable or if the corporation's principal office cannot be determined from the
20 records of the department, the department shall give the notice by ~~publishing a class~~
21 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the
22 department's Internet site.

23 **SECTION 1974.** 181.0203 (3) of the statutes is amended to read:

24 181.0203 (3) NOTIFICATION OF REPORTING REQUIREMENTS. Upon filing articles of
25 incorporation of a corporation, the department shall inform the corporation of the

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SECTION 1974

1 reporting requirements under s. ~~440.42~~ 202.12 for charitable organizations that
2 solicit contributions.

3 **SECTION 1975.** 181.1421 (2) (b) of the statutes is amended to read:

4 181.1421 (2) (b) If the notice under par. (a) is returned to the department as
5 undeliverable or if the corporation's principal office cannot be determined from the
6 records of the department, the department shall give the notice by ~~publishing a class~~
7 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the
8 department's Internet site.

9 **SECTION 1976.** 181.1421 (3) (d) of the statutes is amended to read:

10 181.1421 (3) (d) If the notice is ~~published as a class 1 notice, under ch. 985, the~~
11 ~~effective date set under ch. 985 for the notice~~ posted on the department's Internet
12 site, the date of posting.

13 **SECTION 1977.** 181.1531 (2g) (b) of the statutes is amended to read:

14 181.1531 (2g) (b) If the notice under par. (a) is returned to the department as
15 undeliverable or if the corporation's principal office cannot be determined from the
16 records of the department, the department shall give the notice by ~~publishing a class~~
17 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the
18 department's Internet site.

19 **SECTION 1978.** 181.1622 (1) (intro.) of the statutes is amended to read:

20 181.1622 (1) CONTENT. (intro.) Each domestic corporation and each foreign
21 corporation authorized to transact business in this state shall file with the
22 department an annual report under this section. ~~The department shall forward by~~
23 ~~1st class mail a report form to every corporation that has filed an annual report~~
24 ~~during the past 2 years. The department shall mail the report form no later than 60~~
25 ~~days before the date on which the corporation is required by this chapter to file an~~

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SECTION 1978

1 annual report. ~~The annual report shall include~~ that includes all of the following
2 information:

3 **SECTION 1979.** 182.028 of the statutes is amended to read:

4 **182.028 School corporations.** Any corporation formed for the establishment
5 and maintenance of schools, academies, seminaries, colleges or universities or for the
6 cultivation and practice of music shall have power to enact bylaws for the protection
7 of its property, and provide fines as liquidated damages upon its members and
8 patrons for violating the bylaws, and may collect the same in tort actions, and to
9 prescribe and regulate the courses of instruction therein, and to confer such degrees
10 and grant such diplomas as are usually conferred by similar institutions or as shall
11 be appropriate to the courses of instruction prescribed, except that no corporation
12 shall operate or advertise a school that is subject to s. ~~38.50~~ 440.55 (10) without
13 complying with the requirements of s. ~~38.50~~ 440.55. Any stockholder may transfer
14 his or her stock to the corporation for its use; and if the written transfer so provides
15 the stock shall be perpetually held by the board of directors with all the rights of a
16 stockholder, including the right to vote.

17 **SECTION 1980.** 183.09025 (2) (b) of the statutes is amended to read:

18 183.09025 (2) (b) Within 60 days after the date on which the notice is received
19 or the date on which the ~~class 1~~ notice under par. (d) is ~~published~~ posted, the limited
20 liability company shall correct each ground for dissolution or demonstrate to the
21 reasonable satisfaction of the department that each ground determined by the
22 department does not exist.

23 **SECTION 1981.** 183.09025 (2) (d) of the statutes is amended to read:

24 183.09025 (2) (d) If a notice under par. (a) or (c) is returned to the department
25 as undeliverable, the department shall again mail the notice to the limited liability

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SECTION 1981

1 company as provided under that paragraph. If the notice is again returned to the
2 department as undeliverable, the department shall give the notice by ~~publishing a~~
3 ~~class 1 notice under ch. 985 in the official state newspaper~~ posting the notice on the
4 department's Internet site.

5 **SECTION 1982.** 183.1021 (2g) (b) of the statutes is amended to read:

6 183.1021 (2g) (b) If the notice under par. (a) is returned to the department as
7 undeliverable or if the foreign limited liability company's principal office cannot be
8 determined from the records of the department, the department shall give the notice
9 by ~~publishing a class 1 notice under ch. 985 in the official state newspaper~~ posting
the notice on the department's Internet site.

11 **SECTION 1983.** 194.03 (title) of the statutes is amended to read:

12 **194.03** (title) **Interstate and foreign commerce and intrastate**
13 **commerce.**

14 **SECTION 1984.** 194.03 (1) of the statutes is amended to read:

15 194.03 (1) This chapter shall apply to motor carriers engaged in interstate and
16 ~~foreign~~ commerce upon the public highways of this state, in all particulars and
17 provisions lawful under the constitution of the United States and to motor carriers
18 engaged in intrastate commerce upon the public highways of this state.

19 **SECTION 1985.** 194.03 (2) of the statutes is amended to read:

20 194.03 (2) Fees and taxes provided in this chapter shall be assessed against
21 operations in interstate ~~and foreign~~ commerce and intrastate commerce and
22 collected from the carriers performing such operations, as partial compensation for
23 the use of the highways and policing of the same.

24 **SECTION 1986.** 194.03 (6) of the statutes is renumbered 194.01 (6m) and
25 amended to read:

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1 194.01 (6m) Whenever the term "interstate Interstate commerce" is used in
2 this chapter it shall be interpreted as including includes foreign commerce.

3 SECTION 1987. 194.20 (title) of the statutes is amended to read:

4 194.20 (title) **Certificates and licenses for carriers in interstate and**
5 **foreign commerce and intrastate commerce.**

6 SECTION 1988. 194.20 (1) of the statutes is amended to read:

7 194.20 (1) Motor carriers operating in interstate and foreign commerce or
8 intrastate commerce shall obtain certificates and licenses as provided in ss. 194.23
9 and 194.34. Certificates These certificates and licenses which involve operations in
10 interstate and foreign commerce may be denied by the department if it finds that the
11 record and experience of the applicant evinces a disposition to violate or evade the
12 laws or regulations of the state applicable to the operations proposed by the
13 applicant.

14 SECTION 1989. 196.208 (5p) (a) 1. of the statutes is amended to read:

15 196.208 (5p) (a) 1. "Charitable organization" has the meaning given in s.
16 440.41 202.11 (1).

17 SECTION 1990. Chapter 202 of the statutes is created to read:

18 **CHAPTER 202**

19 **REGULATION OF PROFESSIONAL**

20 **EMPLOYER ORGANIZATIONS AND**

21 **THE SOLICITATION OF FUNDS FOR**

22 **A CHARITABLE PURPOSE**

23 **SUBCHAPTER I**

24 **GENERAL PROVISIONS**

25 **202.01 Definitions.** In this subchapter:

insert
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(1) “Applicant” means any of the following:

(a) A person applying to the department for an initial registration.

(b) A person applying to the department for renewal of a registration.

(2) “Controlling person” has the meaning given in 202.21 (3).

(3) “Department” means the department of financial institutions.

(4) “Registrant” means a person who is registered under ss. 202.12 to 202.14 or 202.22.

(5) “Registration” means a registration the department issues under ss. 202.12 to 202.14 or 202.22.

202.02 General duties and powers. (1) The department may issue subpoenas for the attendance of witnesses and the production of documents or other materials prior to the commencement of a disciplinary or other proceeding under this chapter.

(2) The department shall establish the content and form of each type of registration. Upon the request of a registrant and payment of a \$10 fee, the department may issue to a registrant a wall certificate.

(3) The department may require a registrant to do any of the following:

(a) Display the registrant’s certificate of registration in a conspicuous place in the registrant’s office or place of business.

(b) Post a notice in a conspicuous place in the registrant’s office or place of business describing the procedures for filing a complaint against the registrant.

(4) (a) The department shall require each applicant to provide his or her social security number with the applicant’s application for a registration or registration renewal, or, if the applicant is not an individual, the department shall require the applicant to provide its federal employer identification number.

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1 (b) If an applicant is an individual who does not have a social security number,
2 the applicant shall submit a statement to the department made or subscribed under
3 oath that the applicant does not have a social security number. The department of
4 children and families shall prescribe the form of the statement. A registration issued
5 in reliance upon a false statement submitted under this paragraph is invalid.

6 (c) The department may not disclose a social security number obtained under
7 par. (a) to any person except the department of children and families to administer
8 s. 49.22 and the department of revenue to request certifications under s. 73.0301 and
9 administer state taxes.

10 (5) The department shall cooperate with the departments of justice, health
11 services, and children and families to develop and maintain a computer linkup to
12 provide access to information regarding the current status of a registration,
13 including whether the registration has been restricted in any way.

14 (6) (a) The department may conduct an investigation to determine whether an
15 applicant satisfies any of the eligibility requirements specified for the registration,
16 including whether the applicant does not have an arrest or conviction record. In
17 conducting an investigation under this paragraph, the department may require an
18 applicant to provide any information that is necessary for the investigation, except
19 that, for an investigation of an arrest or conviction record, the department shall
20 comply with the requirements under par. (d).

21 (b) A registrant who is convicted of a felony or misdemeanor anywhere shall
22 send a notice of the conviction by 1st class mail to the department within 48 hours
23 after the entry of the judgment of conviction.

24 (c) The department may investigate whether an applicant or registrant has
25 been charged with or convicted of a crime.

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1 (d) 1. Except as provided in subd. 2., the department may not require that an
2 applicant or registrant be fingerprinted or submit fingerprints in connection with a
3 registration.

4 2. The department may require a person for whom the department conducts
5 an investigation under par. (c) to be photographed and fingerprinted on 2 fingerprint
6 cards, each bearing a complete set of the person's fingerprints. The department of
7 justice may submit the fingerprint cards to the federal bureau of investigation to
8 verify the identity of the persons fingerprinted and obtain records of their criminal
9 arrests and convictions.

10 (e) The department shall charge an applicant the fees, costs, or other expenses
11 the department incurs for conducting an investigation under this subsection.

12 (7) The department may require the electronic submission of an application for
13 registration or registration renewal or any other document or information that may
14 be submitted to the department under this chapter.

15 **202.025 Registration renewal; denial of registration or registration**
16 **renewal. (1) NOTICE OF RENEWAL.** (a) The department shall give a notice of renewal
17 to each registrant at least 30 days before the renewal date of the registration. The
18 department may give that notice by electronic transmission.

19 (b) Failure to receive a notice of renewal is not a defense in any disciplinary
20 proceeding against a registrant or in any proceeding against a former registrant for
21 practicing without a registration. Failure to receive a notice of renewal does not
22 relieve a registrant from the obligation to pay a penalty for late renewal under sub.
23 (2).

24 (2) **LATE RENEWAL.** If the department does not receive an application to renew
25 a registration before the applicable renewal date, the registrant may restore the

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1 registration by paying, within 60 days after the renewal date, the renewal fee and
2 late fee determined by the department under s. 202.08.

3 (3) DENIAL OF REGISTRATION OR REGISTRATION RENEWAL. (a) 1. Notwithstanding
4 ss. 202.12 to 202.14 and 202.23, if the department determines that an applicant for
5 registration or registration renewal has failed to comply with any applicable
6 requirement for renewal, or that the denial of an application for registration or
7 registration renewal is necessary to protect the public health, safety, or welfare, the
8 department may summarily deny the application for registration or registration
9 renewal.

10 2. If the department denies an application for registration or registration
11 renewal under subd. 1., the department shall provide the applicant with a notice of
12 denial that states the facts or conduct giving rise to the denial and states that the
13 applicant may, within 30 days after the date stated on the notice of denial, file a
14 written request with the department for the department to review the denial at a
15 hearing.

16 (b) This subsection does not apply to a denial of a registration or registration
17 renewal under s. 202.03 or 202.035 (2) (b).

18 **202.03 Registration denial, nonrenewal, or revocation based on tax**
19 **delinquency.** Notwithstanding ss. 202.12 to 202.14 and 202.22, the department
20 shall deny an application for an initial registration or for registration renewal, or
21 revoke a registration, if the department of revenue certifies under s. 73.0301 that the
22 applicant or registrant is liable for delinquent taxes, as defined in s. 73.0301 (1) (c).

23 **202.035 Delinquency in support payments; failure to comply with**
24 **subpoena or warrant.** (1) In this section, “support” has the meaning given in s.
25 49.857 (1) (g).

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1 (2) Notwithstanding ss. 202.12 to 202.14 and 202.22, the department shall do
2 all of the following, subject to the memorandum of understanding between the
3 department and the department of children and families under s. 49.857:

4 (a) Restrict, limit, or suspend a registration, or deny an application for an
5 initial registration, if the registrant, applicant, or a controlling person of the
6 registrant or applicant is delinquent in paying support or fails to comply, after
7 appropriate notice, with a subpoena or warrant related to support or paternity
8 proceedings that is issued by the department of children and families or a county
9 child support agency under s. 59.53 (5).

10 (b) Deny an application for registration renewal if the registrant or a
11 controlling person of the registrant is delinquent in paying support or fails to comply,
12 after appropriate notice, with a subpoena or warrant related to support or paternity
13 proceedings that is issued by the department of children and families or a county
14 child support agency under s. 59.53 (5).

15 **202.04 Voluntary surrender of registration.** A registrant may voluntarily
16 surrender his or her registration. The department may refuse to accept that
17 surrender if a complaint has been filed or a disciplinary proceeding has been
18 commenced against the registrant.

19 **202.05 Nondisclosure of certain personal information.** (1) In this
20 section:

21 (a) “List” means information compiled or maintained by the department that
22 contains the personal identifiers of at least 10 individuals.

23 (b) “Personal identifier” means a social security number, telephone number,
24 street name and number, electronic mail address, or post-office box number.

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1 (2) If a form that the department requires an individual to complete in
2 connection with a registration or registration renewal under this chapter requires
3 the individual to provide a personal identifier of the individual, the form shall
4 include a place for the individual to declare that the individual's personal identifier
5 may not be disclosed on any list that the department furnishes to another person.

6 (3) If the department requires an individual to provide in person or by
7 telephone or other electronic means a personal identifier of the individual in
8 connection with a registration or registration renewal under this chapter, the
9 department shall provide the individual an opportunity to declare that the
10 individual's personal identifier may not be disclosed on any list that the department
11 furnishes to another person.

12 (4) Upon request, the department shall provide to a registrant who is an
13 individual a form that includes a place for the individual to declare that the
14 individual's personal identifier may not be disclosed on any list that the department
15 furnishes to another person.

16 (5) (a) Except as provided in par. (b), the department may not disclose on any
17 list that it furnishes to another person a personal identifier of any individual who has
18 made a declaration under sub. (2), (3), or (4).

19 (b) Paragraph (a) does not apply to a list that the department furnishes to
20 another state agency, a law enforcement agency, or a federal governmental agency.
21 A state agency that receives a list from the department containing a personal
22 identifier of an individual who has made a declaration under sub. (2), (3), or (4) may
23 not disclose the personal identifier to any person other than a state agency, a law
24 enforcement agency, or a federal governmental agency.